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SUBJECT: ETIOPIA CSO LAW AND OPPOSITION LEADER ARREST

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Summary:

¶1. (SBU) The Ambassador, accompanied by the UK and French DCMs, called on Ethiopian State Minister for Foreign Affairs Tekeda Alemu on behalf of the Ethiopia Partner's Group (EPG) (which consists of ambassadors accredited to Ethiopia) to provide an advance copy of a statement to be issued by the EPG that raises concerns over the recent passage of Ethiopia's new Charities and Societies Proclamation (CSO law) (Ref A), which appears to restrict foreign assistance for democracy and governance programs, conflict resolution, and advocacy on behalf of women, children and handicapped. Independent of their EPG capacities, Ambassador and DCMs also raised the arrest of opposition leader Birtukan Mideksa, whose August 2007 pardon was recently revoked, sending her back to jail for life. The diplomats underscored the importance of the Ethiopian government (GOE) finding a way to resolve the arrest through release or expulsion from the country because the arrest raises potential human rights issues at a time when Ethiopia and the international community should be focusing on expanding development cooperation and trade relations. End summary.

CSO Law Statement

¶2. (SBU) On behalf of the EPG and the heads of donor organizations, the Ambassador, accompanied by the UK DCM John Marshall and French DCM Romain Vuillaume, raised the new CSO law with Tekeda on January 12. The EPG dialogues with the Ethiopian Government on the CSO law and other sensitive issues. The group provided an advance copy of a draft statement to be issued by the EPG raising concerns about the law, noting that it appeared to restrict internationally-funded civil society organizations (CSOs)/non-governmental organizations (NGOs) from engaging in democracy and governance programs, conflict resolution, and advocacy on behalf of women, children and handicapped. The draft EPG statement is based on the U.S. statement of January 8, and reflects a consensus by the EPG Ambassadors to underscore to the government not to implement the CSO law harshly, though the EPG Ambassadors do recognize the Ethiopian Government's right to regulate foreign CSOs/NGOs.

¶3. (SBU) Tekeda urged the group not to issue a statement because it will not help to make the CSO law a public debate, noting that differences should be discussed in private. Further, Tekeda said, the government had the right to regulate foreign institutions and NGOs engaged in activities in the country. The diplomats underscored Ethiopia's sovereign right to oversee and regulate all foreign activities but added that, depending on how the law is implemented, NGOs may find it impossible to operate in some areas,

such as democracy and governance. They explained that the statement was to note clearly that the donor community could face termination of some of its programs because of the law. More importantly, the diplomats said, the law could have unintended consequences with NGOs leaving or terminating other programs that could affect the ability of the donor community to help support core development goals shared by the GOE and international community. The diplomats stated that there needs to be close coordination and dialogue to ensure that the implementation of the law will not be harsh or so restrictive as to force some NGOs to close operations.

Birtukan

14. (SBU) The three diplomats raised the re-arrest of Birtukan (Ref B) as an obstacle at a time when Ethiopia's discussions with its international partners should focus on development and trade. Instead, international discussion has focused on the reasons for the re-arrest of the prominent opposition leader, who was ostensibly jailed for suggesting that she had not asked for a pardon from the GOE in 2007. The three diplomats raised the possibility of the GOE finding a "face saving" solution to the arrest, thus ending an unnecessary diversion from other priorities. The "China model" of releasing a detainee for medical treatment overseas, expulsion, or suspending the re-arrest order were all raised. The Ambassador noted that Birtukan had drafted a letter to the Prime Minister, at the time of her arrest, reversing her prior public statements and clearly stating that she did indeed request a pardon from the government in order to end her incarceration in 2007.

15. (SBU) Tekeda underscored the strong feelings within the ruling

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Ethiopian People's Revolutionary Democratic Front (EPRDF) against Birtukan for "reneging" on the conditions under which Birtukan's 2007 pardon had been granted. The EPRDF and the government felt she had violated the conditions by denying she had requested a pardon, Tekeda said. The Ambassador noted that the United States had raised this case with the Prime Minister and other senior ruling party members to find a way to get the Ethiopians to resolve the problem of Birtukan's re-imprisonment. Thus far, the Ambassador told Tekeda, the international community has not issued public statements or had foreign officials call the Prime Minister in order to keep the rhetoric down and to allow private diplomacy to encourage the GOE to find a solution.

Comment:

16. (SBU) The CSO law will leave the vast majority of USAID programs and other projects unaffected since the United States is closely dealing with humanitarian assistance and HIV/AIDs, which are not regulated under the CSO law. The United States, which now chairs the EPG and the corresponding Donor's Assistance Group (DAG), will lead efforts to monitor the implementation of the CSO law in an effort to moderate potential excesses and prevent harsh implementation. The CSO law remains confusing and depending on how harshly it is implemented could potentially restrict U.S. programs in areas important to U.S. foreign assistance objectives in democracy and good governance.

17. (SBU) COMMENT CONTINUED: Birtukan's arrest poses an unnecessary block in relations with the international community, which still does not clearly understand the reasons for the arrest. The Ambassador is leading the diplomatic corps' efforts on private discussions with the Prime Minister, as well as with members of the EPRDF central committee, to try to resolve the matter, including Birtukan's departure from Ethiopia if necessary. The issue is a highly personal dispute between the EPRDF and Birtukan which will take time to resolve. The U.S. Embassy was heavily (though quietly) involved in the pardon issued to Birtukan and 70 other detainees in August 2007, and has a stake in Birtukan's fate. End comment.

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